

105TH CONGRESS
1ST SESSION

S. 1403

To amend the National Historic Preservation Act for purposes of establishing
a national historic lighthouse preservation program.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 7, 1997

Mr. MURKOWSKI introduced the following bill; which was read twice and
referred to the Committee on Energy and Natural Resources

A BILL

To amend the National Historic Preservation Act for purposes of establishing a national historic lighthouse preservation program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Historic
5 Lighthouse Preservation Act of 1997”.

6 **SEC. 2. PRESERVATION OF HISTORIC LIGHT STATIONS.**

7 Title III of the National Historic Preservation Act
8 (16 U.S.C. 470w–470w–6) is amended by adding at the
9 end the following new section:

1 **“§ 308. Historic lighthouse preservation**

2 “(a) IN GENERAL.—In order to provide a national
3 historic light station program, the Secretary shall—

4 “(1) collect and disseminate information con-
5 cerning historic light stations, including historic
6 lighthouses and associated structures;

7 “(2) foster educational programs relating to the
8 history, practice, and contribution to society of his-
9 toric light stations;

10 “(3) sponsor or conduct research and study into
11 the history of light stations;

12 “(4) maintain a listing of historic light stations;
13 and

14 “(5) assess the effectiveness of the program es-
15 tablished by this section regarding the conveyance of
16 historic light stations.

17 “(b) CONVEYANCE OF HISTORIC LIGHT STATIONS.—

18 “(1) Within one year of enactment, the Sec-
19 retary and the Administrator of General Services
20 (hereinafter Administrator) shall establish a process
21 for identifying, and selecting, an eligible entity to
22 which a historic light station could be conveyed for
23 education, park, recreation, cultural and historic
24 preservation purposes.

25 “(2) The Secretary shall review all applicants
26 for the conveyance of a historic light station, when

1 the historic light station has been identified as ex-
2 cess to the needs of the agency with administrative
3 jurisdiction over the historic light station, and for-
4 ward to the Administrator a single approved applica-
5 tion for the conveyance of the historic light station.
6 When selecting an eligible entity, the Secretary may
7 consult with the State Historic Preservation Officer
8 of the state in which the historic light station is lo-
9 cated. A priority of consideration shall be afforded
10 public entities that submit applications in which the
11 public entity enters into a partnership with a non-
12 profit organization whose primary mission is historic
13 light station preservation.

14 “(3) The Administrator shall convey, by quit
15 claim deed, without consideration, all right, title,
16 and interest of the United States in and to the his-
17 toric light station, together with any related real
18 property, subject to the conditions set forth in sub-
19 section (c) upon the Secretary’s selection of an eligi-
20 ble entity. The conveyance of a historic light station
21 under this section shall not be subject to the provi-
22 sions of 42 U.S.C. 11301 et seq.

23 “(c) TERMS OF CONVEYANCE.—

1 “(1) The conveyance of a historic light station
2 shall be made subject to any conditions as the Ad-
3 ministrator considers necessary to ensure that—

4 “(A) the lights, antennas, sound signal,
5 electronic navigation equipment, and associated
6 light station equipment located on the property
7 conveyed, which are active aids to navigation,
8 shall continue to be operated and maintained by
9 the United States for as long as needed for this
10 purpose;

11 “(B) the eligible entity to which the his-
12 toric light station is conveyed under this section
13 shall not interfere or allow interference in any
14 manner with aids to navigation without the ex-
15 press written permission of the head of the
16 agency responsible for maintaining the aids to
17 navigation;

18 “(C) there is reserved to the United States
19 the right to relocate, replace, or add any aid to
20 navigation or make any changes to property
21 conveyed under this section as may be nec-
22 essary for navigation purposes;

23 “(D) the eligible entity to which the his-
24 toric light station is conveyed under this section
25 shall maintain the property in accordance with

1 the National Historic Preservation Act of 1966,
2 16 U.S.C. 470–470x, the Secretary’s Historic
3 Preservation Standards, and other applicable
4 laws; and

5 “(E) the United States shall have the
6 right, at any time, to enter property conveyed
7 under this section without notice for purposes
8 of maintaining and inspecting aids to naviga-
9 tion and ensuring compliance with paragraph
10 (C), to the extent that it is not possible to pro-
11 vide advance notice.

12 “(2) The Secretary, the Administrator, and any
13 eligible entity to which a historic light station is con-
14 veyed under this section, shall not be required to
15 maintain any active aids to navigation associated
16 with a historic light station.

17 “(3) In addition to any term or condition estab-
18 lished pursuant to this subsection, the conveyance of
19 a historic light station shall include a condition that
20 the property in its existing condition, at the option
21 of the Administrator, revert to the United States
22 if—

23 “(A) the property or any part of the prop-
24 erty ceases to be available for education, park,
25 recreation, cultural, and historic preservation

1 purposes for the general public at reasonable
2 times and under reasonable conditions which
3 shall be set forth in the eligible entity's applica-
4 tion;

5 “(B) the property or any part of the prop-
6 erty ceases to be maintained in a manner that
7 ensures its present or future use as an aid to
8 navigation or compliance with the National His-
9 toric Preservation Act, 16 U.S.C. 470–470x,
10 the Secretary’s Historic Preservation Stand-
11 ards, and other applicable laws; or

12 “(C) at least 30 days before the reversion,
13 the Administrator provides written notice to the
14 owner that the property is needed for national
15 security purposes.

16 “(d) DESCRIPTION OF PROPERTY.—The legal de-
17 scription of any historic light station, and any real prop-
18 erty and improvements associated therewith, conveyed
19 under this section shall be determined by the Adminis-
20 trator. The Administrator may retain all right, title, and
21 interest of the United States in and to any historical arti-
22 fact, including any lens or lantern, that is associated with
23 the historial light station whether located at the light sta-
24 tion or elsewhere.

1 “(e) RESPONSIBILITIES OF CONVEYEEES.—Each eligi-
 2 ble entity to which a historic light station is conveyed
 3 under this section shall use and maintain the light station
 4 in accordance with this section, and have such terms and
 5 conditions recorded with the deed to title to the light sta-
 6 tion and any real property conveyed therewith.

7 “(f) DEFINITIONS.—For purposes of this section:

8 “(1) HISTORIC LIGHT STATION.—The term
 9 ‘historic light station’ includes the light tower, light-
 10 house, keepers dwelling, garages, storage sheds, sup-
 11 port structures, piers, walkways, and underlying
 12 land; provided that the light tower or lighthouse
 13 shall be—

14 “(A) at least 50 years old;

15 “(B) evaluated for inclusion in the Na-
 16 tional Register of Historic Places; and

17 “(C) included on the Secretary’s listing of
 18 historic light stations.

19 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
 20 tity’ shall mean any department or agency of the
 21 Federal government, any department or agency of
 22 the state in which the historic light station is lo-
 23 cated, the local government of the community in
 24 which the historic light station is located, nonprofit

1 corporation, educational agency, or community devel-
 2 opment organization that—

3 “(A) has agreed to comply with the condi-
 4 tions set forth in subsections (c) and to have
 5 those conditions recorded in the conveyance
 6 documents to the light station and any real
 7 property and improvements that may be con-
 8 veyed therewith;

9 “(B) is financially able to maintain the
 10 light station (and any real property and im-
 11 provements conveyed therewith) in accordance
 12 with the conditions set forth in subsection (c);
 13 and

14 “(C) can indemnify the Federal govern-
 15 ment to cover any loss in connection with the
 16 light station and any real property and im-
 17 provements that may be conveyed therewith, or
 18 any expenses incurred due to reversion.”.

19 **SEC. 3. SALE OR SURPLUS LIGHT STATIONS.**

20 Title III of the National Historic Preservation Act
 21 (16 U.S.C. 470w–470w–6) is amended by adding at the
 22 end the following new section:

23 **“§ 309. Historic light station sales**

24 “In the event no applicants are approved for the con-
 25 veyance of a historic light station pursuant to section 308,

1 the historic light station shall be offered for sale. Terms
2 of such sales shall be developed by the Administrator of
3 General Services. Conveyance documents shall include all
4 necessary covenants to protect the historical integrity of
5 the site. Net sale proceeds shall be transferred to the Na-
6 tional Maritime Heritage Grant Program, established by
7 the National Maritime Heritage Act of 1994, Public Law
8 103–451, within the Department of the Interior.

9 **SEC. 4. TRANSFER OF HISTORIC LIGHT STATIONS TO FED-**
10 **ERAL AGENCIES.**

11 Title III of the National Historic Preservation Act
12 of 1966, 16 U.S.C 470–470x, is amended by adding at
13 the end the following new section:

14 **“§ 310. Transfer of historic light stations to Federal**
15 **agencies**

16 “After the date of enactment, any department or
17 agency of the Federal government, to which a historic
18 light station is conveyed, shall maintain the historic light
19 station in accordance with the National Historic Preserva-
20 tion Act of 1966, 16 U.S.C. 470–470x, the Secretary’s
21 Historic Preservation Standards, and other applicable
22 laws.

1 **SEC. 5. FUNDING.**

2 There are hereby authorized to be appropriated to the
3 Secretary of the Interior such sums as may be necessary
4 to carry out this Act.

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